

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

December 21, 2010

5:30 P.M.

MINUTES

Present: Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Michael Kelly (W2), George Rabideau (W3), Jim Calnon (W4), Amy Valentine (W5), Chris Jackson (W6)

Absent: None

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on December 16, 2010 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Kelly; Seconded by Councilor Valentine

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending December 22, 2010 in the amount of \$ 248,455.45 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Calnon

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of December 16 – December 21, 2010
- Report from the Building Inspector's Office from March 17 – November 24, 2010
- Statement of cash receipts from the Library from November 1 – November 30, 2010
- Report of Public Hearing held by the Zoning Board of Appeals on December 20, 2010

RESOLVED: That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Valentine; Seconded by Councilor Rabideau

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

4. **CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None**

5. **AUDIT OF CLAIMS:**

RESOLVED: That the bills approved by the Auditing Committee of the Common Council in the amount of \$ 1,177,436.63 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Carpenter
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

6. **PERSONS ADDRESSING COUNCIL:**

Joel Bogensberger 9 Hillcrest Ave said a couple of weeks ago I submitted a FOIL to the **City Clerk's** office regarding the Auditing Committee of the Common Council. He was unable to give me any information other than the fact that it was resolved to be formed in 1998 otherwise there is nothing else he had. He told me to inquire with the Council as to what the purpose or the guidelines of the Auditing Committee of the Common Council is.

Mayor Kasprzak responded very simple we have 3 people who review all the financial information before every meeting. They did that when I was on the Council as well and they review them and they all sign them. In review of that 1998 resolution which makes no sense at all, quite frankly, it stated in there that you need a republican and democrat to do that and whoever was responsible for that is absolutely ridiculous because your never guaranteed whether there are republicans or democrats on the Council so if you have a resolution that states that and you don't have a republican or a democrat on there or in this case a man who is a no party or an independent how would you pass the bills. So we have been very responsible since I have been here to review all the bills and then once that's done we have the department liaisons review all the green ones, they sign off, then it comes to the Mayor he reviews all of them. If I have any questions, which I just asked **Richard Marks** actually about one of them, it's verified. I was very curious about the FOIL nothings been illegal or anything unprofessional or unethical. There is so many checks and balances it's scary.

Joel Bogensberger 9 Hillcrest Ave said it wasn't a question of illegal or unethical. I simply am trying to learn more about the local government and how it operates. Everything is stated and signed as the Auditing Committee of the Common Council and yet I was told by the **Clerk** that there is none.

Mayor Kasprzak said there is none what?

Joel Bogensberger 9 Hillcrest Ave said no Auditing Committee of the Common Council.

Mayor Kasprzak said I don't know if I agree with the **Clerk's** assessment. I tell you that the Auditing Committee based on that resolution which was, I think irresponsible to some degree,

doesn't maybe exist the way that anybody would like it to. But, the real reason to have people checking around the table on these not only the bills, PO's whatever is to make sure we have checks and balances. And I am absolutely firmly convinced that we have done an outstanding job since I've been here.

Joel Bogensberger 9 Hillcrest Ave said absolutely, I was just curious by reading the minutes I always see that everything is being signed off by the Auditing Committee. I'm simply just trying to find out information about it. I was unable to get any information in my first case he referred me to here, so here I stand.

Mayor Kasprzak said and we gave you the answer.

Joel Bogensberger 9 Hillcrest Ave said thank you very much sir.

Councilor Carpenter said I'd just like to point out and we do this all the time that usually this portion of our meeting isn't a give and take or a back and forth communication. I am glad that you took the minute to explain to this gentleman what was going on. I'm happy about that but generally it's a chance for the public to address us and tell us we don't all the time comment back and get in to that. I just wanted to point that out not that it's a problem or anything but I'm glad that you did explain it.

Mayor Kasprzak said I was asked and I felt it was important to do so

Councilor Carpenter said I agree you did the right thing.

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves the Mayor to sign the Lease Agreement between the City of Plattsburgh and the Town of Chazy for the ice resurfacing machine and ice edging machine for a period of one year with a payment of one dollar to begin immediately.

By Councilor Valentine; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council after review of the attached comparison of the results of the RFP for Workers' Compensation claims coverage for 2011 accepts the option that best supports the City's requirements based on the proposal from Marshall and Sterling for participation in the New York State Insurance Fund.

By Councilor Jackson; Seconded by Councilor Calnon
Discussion:

Councilor Calnon said I just wanted to repeat a couple of things I said during the work session just for the record. One of them was that all 5 of the proposals were certainly very reasonable proposals they all had their strengths and weaknesses. Two of them were for self funded plans which all risks are assignable to the city. It was excess workers compensation coverage for both of them one at a million dollar limit and one at a half million dollar limit. But, given the size of the city and the potential of what one or two large claims would do, really didn't think self funding was a good idea. Two of the other proposals were for workers comp trusts or alliances much larger than the one we got out of a few years ago and are still paying the dividends for, none the less, trusts that could have extra costs assessed back to us. One of the things that we really looked at is the only one, the New York State Insurance Fund, which was in fact the lowest of the three not self insured plans by a very small amount was pure insurance, very predictable, our exposure is the premium that we pay, no more and given the fact that we had to pay 1.3 million dollars back on the PETNY case, I am as gun shy as my compatriot to my right. We need to be in particular, in the economy that we're in and the impact we see in the budgets over the next couple of years, predictability is really important.

Councilor Jackson said I just wanted to thank the **City Chamberlain** for the diligence in the comparison and taking the time to speak with me today and helping me to make up my mind on what I think is probably the best decision we could make.

Mayor Kasprzak said I am very pleased that not only Richard but the budget committee explained and discussed this with us and there is absolutely no way that we should allow the city to be placed in the unacceptable position that we were in with the CRM situation and the board of trustees that at best was questionable and probably not qualified so I am very pleased.

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves a Police Officer to attend the "TASER Instructor Recertification Class" in Saratoga Springs, NY from January 27 – 28, 2011 at a cost not to exceed \$383.00 and will be paid out of Asset Forfeiture Fund (Treasury funds).

By Councilor Calnon; Seconded by Councilor Jackson
Discussion:

Councilor Rabideau said I am very leery about Taser guns in the Police Department and I met with the Chief and talked with him for a little bit out in the hallway and after talking to him I feel a little bit more comfortable about the whole thing and I think he has a very conservative and risk

conscientious with his position and approach with tasers.

Councilor Valentine said it is not a priority and I don't know why we are recertifying for because we're not using them. While it is a small amount of money and it does come out of asset forfeiture, I am not in favor of voting for this at this time until we make a firm decision to use tasers and move forward and I understand that means we will have to start the recertification again.

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(Councilors Kelly and Valentine voted in the negative. Councilors Carpenter, Rabideau, Calnon and Jackson voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Change frequency of Common Council meetings to once every two weeks and to reduce the Councilor's salaries by \$1,000 each.

Councilor Carpenter said my mind is not 100% totally made up but I feel strongly in one way. I just want to point out a few things that I think about so that we can all consider them for the next week. I don't think it is a good idea to change the meetings to every two weeks. I can think of at least a dozen times a year over the last three years that I sat here that we had to invoke rule 4 because the stuff that we brought up wasn't timely and had to be done before a week. If we moved to every other week we are going to see a larger increase of that and we are going to put more stress on our department heads because they are going to have to think that much farther ahead so that they can get their stuff in so that it can be done every two weeks. We can move it to every two weeks and see how it works. If a month, two months or 6 months in to the year we find out that it's not working it's a pretty easy thing for us then to move it back to every week there are no repercussions to it. By reducing the salaries by a thousand, one of the reasons I've heard is that if we reduce our meetings to every two weeks then that will account for the loss in pay or the reduction in pay. The amount of time that I spend, I can't speak for everyone, but I can tell you that if you're not spending close to the same amount of time you're not doing anywhere near the kind of job you should be doing. Is that less than 10% of my time is spent here at the meetings. I spend a great deal of time doing research, reading emails, reading snail mail, talking to employees, talking to department heads, talking to other councilors, talking to people that I run in to on the street. Those kinds of things all go in to the amount of time that's spent here in this job. I was asked by my party last year to help search for candidates for all 6 Wards we had a very hard time finding quality people who are interested in running. One of the main comments that we heard was that it's too many headaches, too much time and not enough money; I wouldn't do it for that. For us to restrict or reduce the amount of money is going to further dilute the pool of potential candidates. We had three out of the 6 Wards races that were unopposed this year because we simply could not find, it was no different from democrat to republican to independent, and there were not the people to step up to want to run. If one person in one of those unopposed Wards had decided their not running this time we'd be appointing someone because we would have no one to run. I think it's an ill thought out plan if we were to change after 6 months back to every week we can not change the money back. The money can not be changed back for three years. So if we find out that reducing the

meetings doesn't work and we got to bring our meetings back up we can do nothing about bring the money back. Its something that has to be determined for the next round of politicians the next round of terms. I am very uncomfortable with doing that and I think it is a bad precedent that we would be setting. I will argue against it next week, however, I would like to hear from those who are for it and hear their reasoning because maybe I can be convinced but I kind of doubt it at this point.

Councilor Calnon said actually the way it was presented is probably a little bit deceiving and since I am the guy who suggested it, it's my fault. I put them together only because they deal with the council. I don't think one is cause and effect. I didn't propose to drop our salary by a thousand dollars predicated on reducing our meetings to once every two weeks because I agree with Tim very little of what we do happens around this table. Most of what we do happens the rest of the week. I proposed to change to every two weeks for one reason and proposed to reduce e salaries for a completely different reason and let me start with that. I can see in the federal government and the state government a move where the President has frozen wages, the out going governor of New York State had many attempts at getting concessions from the various state unions and ultimately resolved to lay off a whole bunch of people next week where that ends up I don't know. One of the things that occurred to me was if the state's budget continues to put burdens on us without funding to associate them with I think it will and as particularly our retirement costs go up and our debt service costs go up we may be in the same position in 2012 or 2013 and because of the laws the way that Tim reported them we couldn't reduce our salaries. You can't reduce your own salary while you're serving. Since our term is up in two or three weeks we can change the salary for January 1st and beyond. So if in 2012 we sat down with our labor unions and said listen we would like you to cut back 1% on something we can't as Councilors say will also cut our salaries it is illegal. But we can do it in advance we can say in anticipation and to show the kind of leadership that we want to show much like we did when we talked about benefits around this table. Remember this was also the Council that got rid of the health insurance benefits for Councilors. Is to say listen we're going to tighten our belts and we hope that everyone who works for the city can help us tighten belts too. That was really the reason for proposing this salary reduction. The other piece of this is to look at should we meet every week. We have had any number of meetings that take 6 minutes for the actual meeting but we're here for 45. It's not just us its only 7 department heads that are here tonight. These are folks some of them who are done work at 4 o'clock in the afternoon who have to stay until 6 o'clock at night in a pretty non productive manner for a 6 minute meeting. It seems kind of silly to me to waste that much of our valuable time for meetings that don't have any super pressing business. We can do and what we probably should do is use that other week for committee meetings, for work sessions, for things that only require people to be here if there is an actual necessity for them to be here. So it doesn't mean that we can't have meetings it means that we are not going to have actual formal council meetings. We could continue to still do productive work as needed. The other part of that is of course the technical that is the rules. Much to Joel's question, I started looking for the definition of the Audit Committee about 3 years ago and I didn't have any better luck then he did. Its function is reference in the charter, its been in the minutes for years, the 1998 resolution that the **Mayor** referred to was one that really can only bind that Council they were defining their own work rules and they were saying while they were in office they needed to have a republican and a democrat well they must have had some. My point was that's a work rule our actual rules to get to implementing rule 4 don't require that things sit on the table for a week we do that out of courtesy to the public and to everyone else. Our rules say in order for something to be considered on Thursday

night it has to be on the agenda by Tuesday noon so it is really only a day and a half. So we really could change our own practices to the point where we only need to have 36 hours in advance to move things along so we could probably avoid some of those rule 4's. We just do that to recognize the fact that we want to call attention to the fact that this hasn't sat out there as long as everything else. It's not required it's not even required by the rules we passed in January. We can deal with those things and I think that if we look at how would we do it we would have to sit down and really consider pretty carefully how we would structure our work rules. What would trigger a need for rule 4 what would avoid it. How would the resolution be and if in fact we need to audit the bills weekly we would need to formally adopt what we believe the Audit Committee should be and what its function should be. It could very well be the fairly flexible grouping that we had. We have treated it as any 3 Councilors are the Auditing Committee we probably would have to manage it because on an odd week we would have to say ok who can go to finance on Thursday afternoon and sign the bills. Does it have to be 3 could it be 2 those are the kinds of questions we would have to wrestle with internally. That decision whether we have meetings every week or every 2 weeks is something we can reach at anytime. The only one that has any urgency is if we're going to change the amount of pay it has to be done before the end of this month. So we can seriously consider the meeting schedule at a much later date we have plenty of time to look at the ramifications to kind of talk about what details of operations we have to change. My apologies for putting in to one resolution because I didn't in my mind they are not linked at all.

Councilor Carpenter said I received an email that really pointed to the fact that they were linked.

Councilor Calnon said not from me.

Councilor Carpenter said no it did not come from you in fact it did not come from anyone that sits at this table right now. I had a couple of concerns. One is that I would like to see those things separated because I consider them two different things that we need to talk about. Reducing the pay is a purely symbolic thing it's going to save us \$6,000 well a little bit more when you talk about your taxes and stuff. It's like we know the Saranac's going to flood so let's go down there with a coffee cup and take some water out; well you know a coffee cup's not going to make a difference. The reduction of \$6,000 or \$7,000, \$8,000 in what this City pays out is going to make no difference. There are other ways we can do this and finesse this; I would prefer that we set up a line item in a way that we could donate the money that you don't want to keep back to the City. By taking a reduction in pay we're not going to talk any employee's of the City, any department heads, anyone that works here to also meet or take that reduction in pay. However, by donating the money back you could get a tax write off for it, but, if the money and the tax write off's not important at least your donating back to the City that could be financed and finessed into something that might make a difference of tens of thousands of dollars or potentially hundred thousands dollars or more on taxes. It could be hit to other employees in the City, it could be hit to tax payers, it could be hit to residents, it could be hit to business people, it could be hit to anybody who has any kind of touch with the City anyone that has anything to do with the City. We are in a tight place taxes are bad please join us or join me in donating some money back to the City. That's the kind of program that could make a difference. I worry about diluting the pool of potential candidates; I worry about the fact that by reducing the pay we are in the end going to hurt the City. The pay for councilors and I am certainly not advocating an increase, has been stagnant and has not moved for many years. What happens is the

Councilors and the **Mayor** whose pay does not go up loses real dollars every year as the cost of living goes up. I talked earlier and I think everyone kind of understood about separation of pay with our management and our mid level management we believe that separation really needs to exist and that is why we are considering a resolution to change to our 2 Lieutenants and our Captain. That's why we are considering an increase to the high level management. The separation between or the percentage of what a Councilor makes today compared to a department head, compared to the guy who runs on the garbage, compared to the guy who works at the fire department, compared to any other employee that percentage right now is much smaller than it was 20 years ago when the Councilors were making \$10,000 a year. So in the end we have seen a reduction in pay for the Council and it scares me and I worry about the future of the City if we are making these kinds of financial decisions because they simply will not make a difference and by setting up a way to volunteer money back that has the potential to make a difference. I would much prefer a program like that set up as opposed to reducing pay of Councilors.

Councilor Kelly said I have to qualify this comment by saying I will be out of here in 2 weeks and I am not even qualified in saying what future Councilors should make but I am going to say it anyway. I proposed when I started this job that we reduce the pay by 25% and I still think that's a fair amount. I don't think any of us took this job for \$10,000, I hope we didn't, I hope we didn't need \$10,000 that badly to have to count on that money. The big thing that we are going to do with this is we are going to send a message to the voters that yes we care about finances, we care about finances so much so that we have made many improvements in the City's finances over the past several years in addition to that we are willing to take a pay cut to demonstrate our sincerity. That is the only message that you will be giving and yes it is a symbolic thing but it sends a huge message to the people of the City that we indeed care about the finances and keeping them as low as possible. One final thing we had a discussion with our department heads about their raises and all of you know I am opposed to any raises for any department heads for next year. We were asked the question by one of the department heads have you guys taken a pay cut and the answer was no we haven't taken a reduction in salary and I would like to be able to say yes we have so that would be our opportunity to do that.

Councilor Carpenter said part of my reason for running for this office was the pay. Some of you in this room may find this hard to believe but I am actually an intelligent individual. If I really wanted to be altruistic and do something purely for the tax payers in the City of Plattsburgh I would run for the school board. Then I would have had a position that has no pay and I'd have been in a position to have influence over the control of double the taxation that this board controls. Any decisions anything that I could have finessed through here would have been twice as good for the City of Plattsburgh had I been on the school board instead. But, I didn't run for the school board. I don't believe any of us here ran for the school board. I think that although the only reason for me doing this certainly was not the pay and I would never think that any of us sits here only for the pay. That is one of the reasons that everyone of us is here and if its not and if any of you are here and you don't want the pay and it has nothing to do with the pay then please donate it back to the City. Show us that you are really not here for the pay and give your money back to the City and let the City use it for something else. I don't believe that's going to happen. You have been asked you said by department heads about whether you have taken a pay cut. In truth you have although you personally have not but when we took these positions the positions garnered a larger share of money from the City then what they do now simply because we cancelled our insurance. We potentially saved the City \$5,000

or more per year per councilor. None of us would have taken the insurance, I can't speak for everyone else, I wouldn't have taken any insurance and I don't know about the guys coming whether they need insurance or not but we did reduce the benefits that we get. It was one of the first things we did; we did away with insurance we did away with the benefits. So yes we did take a reduction and the fact that we have had and not just us but every councilor who came before me and everyone of us for a long time the fact that there has been no increase is a de facto loss in pay because the pay has not kept up with the cost of living or with the pay scales of any other employee in the City or in very many businesses across the city. So yeah we have tightened our belts, we have taken a loss in pay, we have seen a reduction in the benefits that we had when first took this job.

2. Request to amend the Mayor's 2011 budget as follows:

Add \$48,000 to the Police Department Regular Payroll to reflect addition of a Systems Administrator (IT) position; adjust fringe benefit entries to reflect that change.

Add \$30,000 to Fire Department Overtime Pay; adjust fringe benefit entries to reflect that change.

Increase the management pay scale by \$1,250 for each item, and by 1.5%; adjust fringe benefit entries to reflect that change.

Reclassify Police Lieutenant salary from Grade 8, Steps 7 and 9, to Grade 9, Step 9.

Reclassify Police Captain salary from Grade 10 to Grade 11.

Establish a Capital Project to remediate issues in the Library; \$100,000

Establish a tree planting project for the city streets in the amount of \$ 20,000

Move the Fire Department Pumper Truck to 2011 Capital Plan, raise amount to \$400,000; Aerial Truck to 2013.

Reduce the Public Works Trash Refuse Packer to 2011 Capital Plan to \$200,000 and the Public Works Recycle Vehicle to \$185,000 in 2012.

Add Eco Dock revenue and expense, including local share.

If Resolution to reduce Councilor Salaries passes, reduce Council Regular Pay and corresponding fringe benefits to reflect the change.

Add to Retirement Reserve Account in anticipation of another increase in 2011-2012 retirement year.

Define the amount of unappropriated Fund Balance to reduce tax levy.

Add \$100,000 to repair Fire Station 1 roof in the 2011 Capital Budget.

10. NEW BUSINESS:

Councilor Jackson wanted to wish everyone a Merry Christmas.

11. CLOSING PUBLIC COMMENTS: None

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Kelly
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)
MEETING ADJOURNED: 6:02 pm